

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Duggan *et al*

Appl. No. 09/529,130

§ 371 Date: June 22, 2000

For: **Conjugates of Galactose-Binding
Lectins and Clostridial
Neurotoxins as Analgesics**



Confirmation No.

Art Unit: 1653

Examiner: Kam, C.

Atty. Docket: 1581.0580000/RWE

Election
4/11/01

Reply To Restriction Requirement

Commissioner for Patents
Washington, D.C. 20231

Sir:

In reply to the Office Action mailed March 1, 2001, requesting an election of one invention to prosecute in the above-referenced patent application, Applicants hereby respond as follows.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

The Examiner has required restriction of the application under 35 U.S.C. § 121 to one of the following groups of claims:

Group I: Claims 1-45 (drawn to a protein agent);

Group II: Claims 46-50 (drawn to a method of obtaining the protein agent);

Group III: Claims 51-54 (drawn to a method of controlling the release of a neurotransmitter using the protein agent); and

Group: IV: Claims 57-61 (drawn to a method of treating or preventing pain using the protein agent).

Applicants hereby elect with traverse the invention defined by Group I, claims 1-45. Applicants submit that the inventions of Groups I and II are indistinct. That is, the methods of making the product of claims 46-50 are indistinct from product claims 1-45. Applicants respectfully request that the Examiner join the inventions of Groups I and II. *See*, MPEP § 806.05(i).

The Examiner has also required election of a species comprising lectins derived from a plant, mammal or bacterium. Applicants elect with traverse the species of lectins derived from plants. Applicants submit that lectins derived from plants, mammals and bacteria are patentably indistinct. Therefore, Applicants respectfully request that the Examiner base the examination upon all such sources.

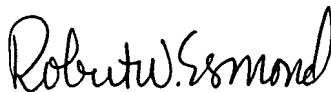
Other Matters

The Examiner has based this requirement for restriction upon claims 1-54 and 57-61. Claims 1-61 were pending in the international stage of the present application. However, Applicants amended the claims and limited them to claims 1-57 as attached as annexes to the International Preliminary Examination Report. A copy of the International Preliminary Examination Report with annexes was filed with the request to begin national phase processing on April 7, 2000. Applicants respectfully request that

the Examiner base his examination upon the claims present in the annexes as amended
by the Preliminary Amendment also filed April 7, 2000.

Respectfully submitted,

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Date: April 3, 2001

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